

111TH CONGRESS  
1ST SESSION

# H. R. 3377

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance the Nation’s disaster preparedness, response, recovery, and mitigation capabilities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2009

Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. MARIO DIAZ-BALART of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance the Nation’s disaster preparedness, response, recovery, and mitigation capabilities, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Disaster Response, Re-  
5       covery, and Mitigation Enhancement Act of 2009”.

### 6   **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.

Sec. 2. Table of contents.

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**1 TITLE I—MAJOR DISASTER AND**  
**2 EMERGENCY ASSISTANCE AD-**  
**3 MINISTRATION**

**4 SEC. 101. PRE-DISASTER HAZARD MITIGATION.**

**5** (a) ALLOCATION OF FUNDS.—Section 203(f) of the  
**6** Robert T. Stafford Disaster Relief and Emergency Assist-  
**7** ance Act (42 U.S.C. 5133(f)) is amended to read as fol-  
**8** lows:

**9** “(f) ALLOCATION OF FUNDS.—

**10** “(1) IN GENERAL.—The President shall award  
**11** financial assistance under this section on a competi-  
**12** tive basis and in accordance with the criteria in sub-  
**13** section (g).

1           “(2) MINIMUM AND MAXIMUM AMOUNTS.—In  
2           providing financial assistance under this section, the  
3           President shall ensure that the amount of financial  
4           assistance made available to a State (including  
5           amounts made available to local governments of the  
6           State) for a fiscal year—

7                   “(A) is not less than the lesser of—

8                           “(i) \$575,000; or

9                           “(ii) the amount that is equal to one  
10                   percent of the total funds appropriated to  
11                   carry out this section for the fiscal year;  
12                   and

13                   “(B) does not exceed the amount that is  
14                   equal to 15 percent of the total funds appro-  
15                   priated to carry out this section for the fiscal  
16                   year.”.

17           (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
18   203(m) of such Act (42 U.S.C. 5133(m)) is amended to  
19   read as follows:

20           “(m) AUTHORIZATION OF APPROPRIATIONS.—There  
21   is authorized to be appropriated to carry out this section  
22   \$250,000,000 for each of fiscal years 2010, 2011, and  
23   2012.”.

24           (c) REFERENCES.—Section 203 of such Act (42  
25   U.S.C. 5133) is amended—

1 (1) in the section heading by striking  
2 “**PREDISASTER**” and inserting “**PRE-DISASTER**”;

3 (2) in the subsection heading for subsection (i)  
4 by striking “PREDISASTER” and inserting “PRE-  
5 DISASTER”;

6 (3) by striking “Predisaster” each place it ap-  
7 pears and inserting “Pre-Disaster”; and

8 (4) by striking “predisaster” each place it ap-  
9 pears and inserting “pre-disaster”.

10 **SEC. 102. INTEGRATED PUBLIC ALERT AND WARNING SYS-**  
11 **TEM MODERNIZATION.**

12 (a) IN GENERAL.—Section 202 of the Robert T.  
13 Stafford Disaster Relief and Emergency Assistance Act  
14 (42 U.S.C. 5132) is amended by adding at the end the  
15 following:

16 “(e) INTEGRATED PUBLIC ALERT AND WARNING  
17 SYSTEM MODERNIZATION.—

18 “(1) IN GENERAL.—To provide timely and ef-  
19 fective disaster warnings under this section, the  
20 President, acting through the Administrator of the  
21 Federal Emergency Management Agency, shall—

22 “(A) modernize the integrated public alert  
23 and warning system of the United States (in  
24 this section referred to as the ‘public alert and  
25 warning system’) to ensure that the President

1 under all conditions can alert and warn govern-  
2 mental authorities and the civilian population in  
3 areas endangered by disasters; and

4 “(B) implement the public alert and warn-  
5 ing system.

6 “(2) IMPLEMENTATION REQUIREMENTS.—In  
7 carrying out paragraph (1), the Administrator shall,  
8 consistent with the recommendations in the final re-  
9 port of the Integrated Public Alert and Warning  
10 System Advisory Committee—

11 “(A) establish or adopt, as appropriate,  
12 common alerting and warning protocols, stand-  
13 ards, terminology, and operating procedures for  
14 the public alert and warning system;

15 “(B) include in the public alert and warn-  
16 ing system the capability to adapt the distribu-  
17 tion and content of communications on the  
18 basis of geographic location, risks, or personal  
19 user preferences, as appropriate;

20 “(C) include in the public alert and warn-  
21 ing system the capability to alert and warn in-  
22 dividuals with disabilities and individuals with  
23 limited English proficiency; and

1           “(D) ensure the conduct of training, tests,  
2           and exercises for the public alert and warning  
3           system.

4           “(3) SYSTEM REQUIREMENTS.—The public  
5           alert and warning system shall—

6           “(A) incorporate multiple communications  
7           technologies;

8           “(B) be designed to adapt to, and incor-  
9           porate, future technologies for communicating  
10          directly with the public;

11          “(C) be designed to provide alerts to the  
12          largest portion of the affected population fea-  
13          sible, including nonresident visitors and tour-  
14          ists, and improve the ability of remote areas to  
15          receive alerts;

16          “(D) promote local and regional public and  
17          private partnerships to enhance community pre-  
18          paredness and response; and

19          “(E) provide redundant alert mechanisms  
20          where practicable so as to reach the greatest  
21          number of people regardless of whether they  
22          have access to, or utilize, any specific medium  
23          of communication or any particular device.

24          “(4) PILOT PROGRAMS.—

1           “(A) IN GENERAL.—The Administrator  
2           may conduct pilot programs for the purpose of  
3           demonstrating the feasibility of using a variety  
4           of methods for achieving the system require-  
5           ments specified in paragraph (3).

6           “(B) REPORT.—Not later than 6 months  
7           after the date of enactment of this subsection,  
8           and annually thereafter for the duration of the  
9           pilot programs, the Administrator shall submit  
10          to the Committee on Transportation and Infra-  
11          structure of the House of Representatives and  
12          the Committee on Homeland Security and Gov-  
13          ernmental Affairs of the Senate a report con-  
14          taining—

15               “(i) a description and assessment of  
16               the effectiveness of the pilot programs;

17               “(ii) any recommendations of the Ad-  
18               ministrator for additional authority to con-  
19               tinue the pilot programs or make any of  
20               the programs permanent; and

21               “(iii) any other findings and conclu-  
22               sions of the Administrator with respect to  
23               the pilot programs.

24          “(5) IMPLEMENTATION PLAN.—Not later than  
25          6 months after the date of submission of the final

1 report of the Integrated Public Alert and Warning  
2 System Advisory Committee, the Administrator shall  
3 submit to the Committee on Transportation and In-  
4 frastructure of the House of Representatives and the  
5 Committee on Homeland Security and Governmental  
6 Affairs of the Senate a detailed plan for imple-  
7 menting this subsection. The plan shall include a  
8 timeline for implementation, a spending plan, and  
9 recommendations for any additional authority that  
10 may be necessary to fully implement this subsection.

11 “(6) AUTHORIZATION OF APPROPRIATIONS.—  
12 There is authorized to be appropriated to carry out  
13 this subsection \$37,000,000 for fiscal year 2010 and  
14 such sums as may be necessary for each fiscal year  
15 thereafter.”.

16 (b) INTEGRATED PUBLIC ALERT AND WARNING SYS-  
17 TEM MODERNIZATION ADVISORY COMMITTEE.—

18 (1) ESTABLISHMENT.—Not later than 60 days  
19 after the date of enactment of this Act, the Adminis-  
20 trator of the Federal Emergency Management Agen-  
21 cy shall establish an advisory committee to be known  
22 as the Integrated Public Alert and Warning System  
23 Advisory Committee (in this subsection referred to  
24 as the “Advisory Committee”).



1           (2) MEMBERSHIP.—The Advisory Committee  
2       shall be composed of the following members, to be  
3       appointed by the Administrator as soon as prac-  
4       ticable after the date of enactment of this Act:

5           (A) The Chairman of the Federal Commu-  
6       nications Commission (or the Chairman’s des-  
7       ignee).

8           (B) The Administrator of the National  
9       Oceanic and Atmospheric Administration of the  
10      Department of Commerce (or the Administra-  
11      tor’s designee).

12          (C) The Assistant Secretary for Commu-  
13      nications and Information of the Department of  
14      Commerce (or the Assistant Secretary’s des-  
15      ignee).

16          (D) Representatives of State and local gov-  
17      ernments, representatives of emergency man-  
18      agement agencies, and representatives of emer-  
19      gency response providers, selected from among  
20      individuals nominated by national organizations  
21      representing governments and personnel.

22          (E) Representatives from federally recog-  
23      nized Indian tribes and national Indian organi-  
24      zations.

1 (F) Individuals who have the requisite  
2 technical knowledge and expertise to serve on  
3 the Advisory Committee, including representa-  
4 tives of—

5 (i) communications service providers;

6 (ii) vendors, developers, and manufac-  
7 turers of systems, facilities, equipment,  
8 and capabilities for the provision of com-  
9 munications services;

10 (iii) third-party service bureaus;

11 (iv) the broadcasting industry;

12 (v) the national organization rep-  
13 resenting the licensees and permittees of  
14 noncommercial broadcast television sta-  
15 tions;

16 (vi) the cellular industry;

17 (vii) the cable industry;

18 (viii) the satellite industry; and

19 (ix) national organizations rep-  
20 resenting individuals with special needs, in-  
21 cluding individuals with disabilities and the  
22 elderly.

23 (G) Qualified representatives of such other  
24 stakeholders and interested and affected parties  
25 as the Administrator considers appropriate.

1           (3) CHAIRPERSON.—The Administrator (or the  
2 Administrator’s designee) shall serve as the Chair-  
3 person of the Advisory Committee.

4           (4) MEETINGS.—

5               (A) INITIAL MEETING.—The initial meet-  
6 ing of the Advisory Committee shall take place  
7 not later than 60 days after the date of enact-  
8 ment of this Act.

9               (B) OTHER MEETINGS.—After the initial  
10 meeting, the Advisory Committee shall meet at  
11 the call of the Chairperson.

12              (C) NOTICE; OPEN MEETINGS.—Meetings  
13 held by the Advisory Committee shall be duly  
14 noticed at least 14 days in advance and shall be  
15 open to the public.

16           (5) RULES.—

17               (A) QUORUM.—One-third of the members  
18 of the Advisory Committee shall constitute a  
19 quorum for conducting business of the Advisory  
20 Committee.

21               (B) SUBCOMMITTEES.—To assist the Advi-  
22 sory Committee in carrying out its functions,  
23 the Chairperson may establish appropriate sub-  
24 committees composed of members of the Advi-

1           sory Committee and other subject matter ex-  
2           perts as the Chairperson considers necessary.

3           (C) ADDITIONAL RULES.—The Advisory  
4           Committee may adopt such other rules as are  
5           necessary to carry out its duties.

6           (6) RECOMMENDATIONS.—The Advisory Com-  
7           mittee shall develop and submit in its final report  
8           recommendations for an integrated public alert and  
9           warning system, including—

10           (A) recommendations for common alerting  
11           and warning protocols, standards, terminology,  
12           and operating procedures for the public alert  
13           and warning system;

14           (B) recommendations to provide for a pub-  
15           lic alert and warning system that—

16           (i) has the capability to adapt the dis-  
17           tribution and content of communications  
18           on the basis of geographic location, risks,  
19           or personal user preferences, as appro-  
20           priate;

21           (ii) has the capability to alert and  
22           warn individuals with disabilities and indi-  
23           viduals with limited English proficiency;

24           (iii) incorporates multiple communica-  
25           tions technologies;

1 (iv) is designed to adapt to, and incor-  
2 porate, future technologies for commu-  
3 nicating directly with the public;

4 (v) is designed to provide alerts to the  
5 largest portion of the affected population  
6 feasible, including nonresident visitors and  
7 tourists, and improve the ability of remote  
8 areas to receive alerts;

9 (vi) promotes local and regional public  
10 and private partnerships to enhance com-  
11 munity preparedness and response; and

12 (vii) provides redundant alert mecha-  
13 nisms where practicable so as to reach the  
14 greatest number of people regardless of  
15 whether they have access to, or utilize, any  
16 specific medium of communication or any  
17 particular device.

18 (7) FINAL REPORT.—Not later than one year  
19 after the date of enactment of this Act, the Advisory  
20 Committee shall submit to the Administrator, the  
21 Committee on Transportation and Infrastructure of  
22 the House of Representatives, and the Committee on  
23 Homeland Security and Governmental Affairs of the  
24 Senate a report containing the recommendations of  
25 the Advisory Committee.

1           (8) FEDERAL ADVISORY COMMITTEE ACT.—  
2       Neither the Federal Advisory Committee Act (5  
3       U.S.C. App.) nor any rule, order, or regulation pro-  
4       mulgated under that Act shall apply to the Advisory  
5       Committee.

6           (9) TERMINATION.—The Advisory Committee  
7       shall terminate not later than 60 days following the  
8       submission of its final report.

9           (c) TECHNICAL CORRECTION.—Section 202(c) of the  
10      Robert T. Stafford Disaster Relief and Emergency Assist-  
11      ance Act (42 U.S.C. 5132(c)) is amended by striking “sec-  
12      tion 611(c)” and inserting “section 611(d)”.

13          (d) LIMITATION ON STATUTORY CONSTRUCTION.—  
14      Nothing in this section (including the amendments made  
15      by this section) shall be construed to affect the authority  
16      of the Department of Commerce or the Federal Commu-  
17      nications Commission.

18      **SEC. 103. HEALTH BENEFITS FOR TEMPORARY EMPLOY-**  
19                                      **EES.**

20          Section 306 of the Robert T. Stafford Disaster Relief  
21      and Emergency Assistance Act (42 U.S.C. 5149) is  
22      amended by adding at the end the following:

23          “(c) HEALTH BENEFITS.—

24                  “(1) IN GENERAL.—Notwithstanding any provi-  
25          sion of title 5, United States Code, or related regula-

1 tions limiting or prohibiting the provision of health  
2 benefits for temporary or intermittent employees,  
3 personnel appointed under subsection (b)(1) shall be  
4 eligible to enroll in the Federal Employees Health  
5 Benefits plan or any successor health benefits plan  
6 approved and administered by the Office of Per-  
7 sonnel Management under terms and conditions set  
8 by the agency appointing the temporary personnel.

9 “(2) ANNUAL REPORT.—Not later than one  
10 year after the date of enactment of this subsection,  
11 and annually thereafter, the President shall submit  
12 to the Committee on Transportation and Infrastruc-  
13 ture of the House of Representatives and the Com-  
14 mittee on Homeland Security and Governmental Af-  
15 fairs of the Senate a report on the implementation  
16 of this subsection.”.

17 **SEC. 104. DISPOSAL OF EXCESS PROPERTY TO ASSIST**  
18 **OTHER DISASTER VICTIMS.**

19 Title III of the Robert T. Stafford Disaster Relief  
20 and Emergency Assistance Act (42 U.S.C. 5141 et seq.)  
21 is amended by adding at the end the following:

22 **“SEC. 327. DISPOSAL OF EXCESS MATERIALS, SUPPLIES,**  
23 **AND EQUIPMENT.**

24 “(a) IN GENERAL.—Notwithstanding any other pro-  
25 vision of law, if the President determines that materials,

1 supplies, or equipment acquired by the President pursuant  
2 to title IV or V for response or recovery efforts in connec-  
3 tion with a major disaster or emergency are in excess of  
4 the amount needed for those efforts, the President may  
5 transfer the excess materials, supplies, or equipment, by  
6 sale, at a price that is fair and equitable, directly to a  
7 State, local government, or relief or disaster assistance or-  
8 ganization for the purpose of—

9           “(1) assisting disaster victims in other major  
10       disasters and emergencies; and

11           “(2) assisting victims in incidents caused by a  
12       hazard that do not result in a declaration of a major  
13       disaster or emergency if—

14           “(A) the Governor of the affected State  
15       certifies that—

16           “(i) there is an urgent need for the  
17       materials, supplies, or equipment; and

18           “(ii) the State is unable to provide the  
19       materials, supplies, or equipment in a  
20       timely manner; and

21           “(B) the President determines that the  
22       materials, supplies, or equipment are not read-  
23       ily available from commercial sources, except  
24       that this subparagraph shall not apply in the  
25       case of a transfer of perishable supplies.



1       “(b) DEPOSIT OF PROCEEDS.—Notwithstanding any  
 2 other provision of law, any proceeds received under sub-  
 3 section (a) shall be deposited in the appropriate Disaster  
 4 Relief Fund account.

5       “(c) HAZARD DEFINED.—In this section, the term  
 6 ‘hazard’ has the meaning given that term by section  
 7 602.”.

8       **SEC. 105. NATIONAL URBAN SEARCH AND RESCUE RE-**  
 9                               **SPONSE SYSTEM.**

10       (a) IN GENERAL.—Title III of the Robert T. Stafford  
 11 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
 12 5141 et seq.) is amended by adding at the end the fol-  
 13 lowing:

14       **“SEC. 328. NATIONAL URBAN SEARCH AND RESCUE RE-**  
 15                               **SPONSE SYSTEM.**

16       “(a) DEFINITIONS.—In this section, the following  
 17 definitions apply:

18               “(1) ADMINISTRATOR.—The term ‘Adminis-  
 19 trator’ means the Administrator of the Federal  
 20 Emergency Management Agency.

21               “(2) AGENCY.—The term ‘Agency’ means the  
 22 Federal Emergency Management Agency.

23               “(3) HAZARD.—The term ‘hazard’ has the  
 24 meaning given that term by section 602.

1           “(4) NON-EMPLOYEE SYSTEM MEMBER.—The  
2           term ‘non-employee System member’ means a Sys-  
3           tem member not employed by a sponsoring agency  
4           or participating agency.

5           “(5) PARTICIPATING AGENCY.—The term ‘par-  
6           ticipating agency’ means a State or local govern-  
7           ment, nonprofit organization, or private organization  
8           that has executed an agreement with a sponsoring  
9           agency to participate in the System.

10          “(6) SPONSORING AGENCY.—The term ‘spon-  
11          soring agency’ means a State or local government  
12          that is the sponsor of a task force designated by the  
13          Administrator to participate in the System.

14          “(7) SYSTEM.—The term ‘System’ means the  
15          National Urban Search and Rescue Response Sys-  
16          tem to be administered under this section.

17          “(8) SYSTEM MEMBER.—The term ‘System  
18          member’ means an individual who is not a full-time  
19          employee of the Federal Government, who serves on  
20          a task force or on a System management or other  
21          technical team.

22          “(9) TASK FORCE.—The term ‘task force’  
23          means an urban search and rescue team designated  
24          by the Administrator to participate in the System.

1       “(b) GENERAL AUTHORITY.—Subject to the require-  
2       ments of this section, the Administrator shall continue to  
3       administer the emergency response system known as the  
4       ‘National Urban Search and Rescue Response System’.

5       “(c) FUNCTIONS.—In administering the System, the  
6       Administrator shall provide for a national network of  
7       standardized search and rescue resources to assist States  
8       and local governments in responding to hazards.

9       “(d) TASK FORCES.—

10           “(1) DESIGNATION.—The Administrator shall  
11           designate task forces to participate in the System.  
12           The Administrator shall determine the criteria for  
13           such participation.

14           “(2) SPONSORING AGENCIES.—Each task force  
15           shall have a sponsoring agency. The Administrator  
16           shall enter into an agreement with the sponsoring  
17           agency of each task force with respect to the partici-  
18           pation of the task force in the System.

19           “(3) COMPOSITION.—

20           “(A) PARTICIPATING AGENCIES.—A task  
21           force may include, at the discretion of the spon-  
22           soring agency of the task force, one or more  
23           participating agencies. The sponsoring agency  
24           of a task force shall enter into an agreement  
25           with each participating agency of the task force

1 with respect to the participation of the partici-  
2 pating agency on the task force.

3 “(B) OTHER INDIVIDUALS.—A task force  
4 may also include, at the discretion of the spon-  
5 soring agency of the task force, other individ-  
6 uals not otherwise associated with the spon-  
7 soring agency or a participating agency of the  
8 task force. The sponsoring agency of a task  
9 force may enter into a separate agreement with  
10 each such individual with respect to the partici-  
11 pation of the individual on the task force.

12 “(e) MANAGEMENT AND TECHNICAL TEAMS.—The  
13 Administrator shall maintain such management teams and  
14 other technical teams as the Administrator determines are  
15 necessary to administer the System.

16 “(f) APPOINTMENT OF SYSTEM MEMBERS INTO  
17 FEDERAL SERVICE.—

18 “(1) IN GENERAL.—The Administrator may ap-  
19 point a System member into Federal service for a  
20 period of service to provide for the participation of  
21 the System member in exercises, preincident staging,  
22 major disaster and emergency response activities,  
23 and training events sponsored or sanctioned by the  
24 Administrator.

1           “(2) NONAPPLICABILITY OF CERTAIN CIVIL  
2       SERVICE LAWS.—The Administrator may make ap-  
3       pointments under paragraph (1) without regard to  
4       the provisions of title 5, United States Code, gov-  
5       erning appointments in the competitive service.

6           “(3) RELATIONSHIP TO OTHER AUTHORI-  
7       TIES.—The authority of the Administrator to make  
8       appointments under this subsection shall not affect  
9       any other authority of the Administrator under this  
10      Act.

11          “(4) LIMITATION.—A System member who is  
12      appointed into Federal service under paragraph (1)  
13      shall not be deemed an employee of the United  
14      States for purposes other than those specifically set  
15      forth in this section.

16          “(g) COMPENSATION.—

17          “(1) PAY OF SYSTEM MEMBERS.—Subject to  
18      such terms and conditions as the Administrator may  
19      impose by regulation, the Administrator shall make  
20      payments to the sponsoring agency of a task force—

21              “(A) to reimburse each employer of a Sys-  
22              tem member on the task force for compensation  
23              paid by the employer to the System member for  
24              any period during which the System member is

1 appointed into Federal service under subsection  
2 (f)(1); and

3 “(B) to make payments directly to a non-  
4 employee System member on the task force for  
5 any period during which the non-employee Sys-  
6 tem member is appointed into Federal service  
7 under subsection (f)(1).

8 “(2) REIMBURSEMENT FOR EMPLOYEES FILL-  
9 ING POSITIONS OF SYSTEM MEMBERS.—

10 “(A) IN GENERAL.—Subject to such terms  
11 and conditions as the Administrator may im-  
12 pose by regulation, the Administrator shall  
13 make payments to the sponsoring agency of a  
14 task force to reimburse each employer of a Sys-  
15 tem member on the task force for compensation  
16 paid by the employer to an employee filling a  
17 position normally filled by the System member  
18 for any period during which the System mem-  
19 ber is appointed into Federal service under sub-  
20 section (f)(1).

21 “(B) LIMITATION.—Costs incurred by an  
22 employer shall be eligible for reimbursement  
23 under subparagraph (A) only to the extent that  
24 the costs are in excess of the costs that would  
25 have been incurred by the employer had the

1           System member not been appointed into Fed-  
2           eral service under subsection (f)(1).

3           “(3) METHOD OF PAYMENT.—A System mem-  
4           ber shall not be entitled to pay directly from the  
5           Agency for a period during which the System mem-  
6           ber is appointed into Federal service under sub-  
7           section (f)(1).

8           “(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR  
9           DEATH.—

10           “(1) IN GENERAL.—A System member who is  
11           appointed into Federal service under subsection  
12           (f)(1) and who suffers personal injury, illness, dis-  
13           ability, or death as a result of a personal injury sus-  
14           tained while acting in the scope of such appointment  
15           shall, for the purposes of subchapter I of chapter 81  
16           of title 5, United States Code, be treated as though  
17           the member were an employee (as defined by section  
18           8101 of that title) who had sustained the injury in  
19           the performance of duty.

20           “(2) ELECTION OF BENEFITS.—

21           “(A) IN GENERAL.—If a System member  
22           (or, in the case of the death of the System  
23           member, the System member’s dependent) is  
24           entitled—

1 “(i) under paragraph (1) to receive  
2 benefits under subchapter I of chapter 81  
3 of title 5, United States Code, by reason of  
4 personal injury, illness, disability, or death,  
5 and

6 “(ii) to receive benefits from a State  
7 or local government by reason of the same  
8 personal injury, illness, disability, or death,  
9 the System member or dependent shall elect to  
10 receive either the benefits referred to in clause  
11 (i) or (ii).

12 “(B) DEADLINE.—A System member or  
13 dependent shall make an election of benefits  
14 under subparagraph (A) not later than one year  
15 after the date of the personal injury, illness,  
16 disability, or death that is the reason for the  
17 benefits or until such later date as the Sec-  
18 retary of Labor may allow for reasonable cause  
19 shown.

20 “(C) EFFECT OF ELECTION.—An election  
21 of benefits made under this paragraph is irrev-  
22 ocable unless otherwise provided by law.

23 “(3) REIMBURSEMENT FOR STATE OR LOCAL  
24 BENEFITS.—Subject to such terms and conditions as  
25 the Administrator may impose by regulation, in the



1 event that a System member or dependent elects  
2 benefits from a State or local government under  
3 paragraph (2)(A), the Administrator shall reimburse  
4 the State or local government for the value of those  
5 benefits.

6 “(i) LIABILITY.—A System member appointed into  
7 Federal service under subsection (f)(1), while acting with-  
8 in the scope of the appointment, is deemed an employee  
9 of the Government under section 1346(b) of title 28,  
10 United States Code, and chapter 171 of that title, relating  
11 to tort claims procedure.

12 “(j) EMPLOYMENT AND REEMPLOYMENT RIGHTS.—  
13 With respect to a System member who is not a regular  
14 full-time employee of a sponsoring agency or participating  
15 agency, the following terms and conditions apply:

16 “(1) Service as a System member shall be  
17 deemed ‘service in the uniformed services’ for pur-  
18 poses of chapter 43 of title 38, United States Code,  
19 relating to employment and reemployment rights of  
20 individuals who have performed service in the uni-  
21 formed services (regardless of whether the individual  
22 receives compensation for such participation). All  
23 rights and obligations of such persons and proce-  
24 dures for assistance, enforcement, and investigation  
25 shall be as provided for in such chapter.

1           “(2) Preclusion of giving notice of service by  
2           necessity of appointment under this section shall be  
3           deemed preclusion by ‘military necessity’ for pur-  
4           poses of section 4312(b) of title 38, United States  
5           Code, pertaining to giving notice of absence from a  
6           position of employment. A determination of such ne-  
7           cessity shall be made by the Administrator and shall  
8           not be subject to judicial review.

9           “(k) LICENSES AND PERMITS.—If a System member  
10          holds a valid license, certificate, or other permit issued by  
11          any State or other governmental jurisdiction evidencing  
12          the member’s qualifications in any professional, mechan-  
13          ical, or other skill or type of assistance required by the  
14          System, the System member shall be deemed to be per-  
15          forming a Federal activity when rendering aid involving  
16          such skill or assistance during a period of appointment  
17          into Federal service under subsection (f)(1).

18          “(l) ADVISORY COMMITTEE.—

19                 “(1) IN GENERAL.—The Administrator shall es-  
20                 tablish and maintain an advisory committee to pro-  
21                 vide expert recommendations to the Administrator in  
22                 order to assist the Administrator in administering  
23                 the System.

1           “(2) COMPOSITION.—The advisory committee  
2       shall be composed of members from geographically  
3       diverse areas, and shall include—

4           “(A) the chief officer or senior executive  
5       from at least 3 sponsoring agencies;

6           “(B) the senior emergency manager from  
7       at least 2 States that include sponsoring agen-  
8       cies; and

9           “(C) at least one representative rec-  
10      ommended by the leaders of the task forces.

11          “(3) INAPPLICABILITY OF TERMINATION RE-  
12      QUIREMENT.—Section 14(a)(2) of the Federal Advi-  
13      sory Committee Act (5 U.S.C. App.) shall not apply  
14      to the advisory committee under this subsection.

15          “(m) PREPAREDNESS COOPERATIVE AGREE-  
16      MENTS.—

17          “(1) IN GENERAL.—Subject to the availability  
18      of appropriations for such purpose, the Adminis-  
19      trator shall enter into an annual preparedness coop-  
20      erative agreement with each sponsoring agency.  
21      Amounts made available to a sponsoring agency  
22      under such a preparedness cooperative agreement  
23      shall be for the following purposes:

1           “(A) Training and exercises, including  
2           training and exercises with other Federal,  
3           State, and local government response entities.

4           “(B) Acquisition and maintenance of  
5           equipment, including interoperable communica-  
6           tions and personal protective equipment.

7           “(C) Medical monitoring required for re-  
8           sponder safety and health in anticipation of and  
9           following a major disaster, emergency, or other  
10          hazard, as determined by the Administrator.

11          “(2) AVAILABILITY OF APPROPRIATIONS.—Not-  
12          withstanding section 1552(b) of title 31, United  
13          States Code, amounts made available for cooperative  
14          agreements under this subsection that are not ex-  
15          pended shall be deposited in an Agency account and  
16          shall remain available for such agreements without  
17          fiscal year limitation.

18          “(n) RESPONSE COOPERATIVE AGREEMENTS.—The  
19          Administrator shall enter into a response cooperative  
20          agreement with each sponsoring agency, as appropriate,  
21          under which the Administrator agrees to reimburse the  
22          sponsoring agency for costs incurred by the sponsoring  
23          agency in responding to a major disaster or emergency.

1       “(o) OBLIGATIONS.—The Administrator may incur  
 2 all necessary obligations consistent with this section in  
 3 order to ensure the effectiveness of the System.

4       “(p) AUTHORIZATION OF APPROPRIATIONS.—

5           “(1) IN GENERAL.—There is authorized to be  
 6 appropriated to carry out this section \$52,000,000  
 7 for each of fiscal years 2010, 2011, and 2012. Such  
 8 sums shall be in addition to amounts made available  
 9 from the Disaster Relief Fund for response coopera-  
 10 tive agreements entered into under subsection (n).

11           “(2) ADMINISTRATIVE EXPENSES.—The Ad-  
 12 ministrator may use not to exceed 6 percent of the  
 13 funds appropriated for a fiscal year pursuant to  
 14 paragraph (1) for salaries, expenses, and other ad-  
 15 ministrative costs incurred by the Administrator in  
 16 carrying out this section.”.

17       (b) CONFORMING AMENDMENTS.—

18           (1) APPLICABILITY OF TITLE 5, UNITED  
 19 STATES CODE.—Section 8101(1) of title 5, United  
 20 States Code, is amended—

21                   (A) in subparagraph (D) by striking “and”  
 22                   at the end;

23                   (B) by moving subparagraph (F) to appear  
 24                   after subparagraph (E);

1 (C) in subparagraph (F) by adding “and”  
2 at the end; and

3 (D) by inserting after subparagraph (F)  
4 the following:

5 “(G) an individual who is a System mem-  
6 ber of the National Urban Search and Rescue  
7 Response System during a period of appoint-  
8 ment into Federal service pursuant to section  
9 328 of the Robert T. Stafford Disaster Relief  
10 and Emergency Assistance Act;”.

11 (2) INCLUSION AS PART OF UNIFORMED SERV-  
12 ICES FOR PURPOSES OF USERRA.—Section 4303 of  
13 title 38, United States Code, is amended—

14 (A) in paragraph (13) by inserting “, a pe-  
15 riod for which a System member of the Na-  
16 tional Urban Search and Rescue Response Sys-  
17 tem is absent from a position of employment  
18 due to an appointment into Federal service  
19 under section 328 of the Robert T. Stafford  
20 Disaster Relief and Emergency Assistance Act”  
21 before “, and a period”; and

22 (B) in paragraph (16) by inserting after  
23 “Public Health Service,” the following: “System  
24 members of the National Urban Search and  
25 Rescue Response System during a period of ap-

1 pointment into Federal service under section  
2 328 of the Robert T. Stafford Disaster Relief  
3 and Emergency Assistance Act,”.

4 **SEC. 106. DISASTER RELIEF FUND.**

5 Title III of the Robert T. Stafford Disaster Relief  
6 and Emergency Assistance Act (42 U.S.C. 5141 et seq.)  
7 is further amended by adding at the end the following:

8 **“SEC. 329. DISASTER RELIEF FUND.**

9 “(a) IN GENERAL.—There is in the Treasury a fund  
10 known as the Disaster Relief Fund.

11 “(b) DEPOSITS AND CREDITS.—The Fund shall con-  
12 sist of amounts appropriated and credited to the Fund  
13 pursuant to this Act.

14 “(c) ELIGIBLE USES OF FUND.—Amounts in the  
15 Fund shall be available to the President, as provided in  
16 advance in appropriations Acts—

17 “(1) to provide assistance in response to a  
18 major disaster or emergency pursuant to titles IV  
19 and V; and

20 “(2) for programs and activities of the Federal  
21 Emergency Management Agency that support the  
22 provision of such assistance, including programs and  
23 activities that are not readily attributable to a single  
24 major disaster or emergency.

1       “(d) SUPPORT PROGRAMS.—The programs and ac-  
2       tivities referred to in subsection (c)(2) include the pro-  
3       grams and activities authorized by sections 302, 303, and  
4       306(b).

5       “(e) LIMITATION.—Amounts made available from the  
6       Fund for programs and activities referred to in subsection  
7       (c)(2) may not exceed \$300,000,000 in any fiscal year.

8       “(f) ANNUAL REPORT.—On or before the date on  
9       which the President submits the budget of the United  
10      States to the Congress under section 1105 of title 31,  
11      United States Code, the President shall submit each year  
12      to the Committee on Transportation and Infrastructure  
13      of the House of Representatives and the Committee on  
14      Homeland Security and Governmental Affairs of the Sen-  
15      ate a report on the uses of the Fund in the previous fiscal  
16      year.

17      “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
18      is authorized to be appropriated to the Fund such sums  
19      as may be necessary.

20      “(h) AVAILABILITY OF AMOUNTS.—Amounts in the  
21      Fund shall remain available until expended.”.



1 **TITLE II—MAJOR DISASTER AND**  
2 **EMERGENCY ASSISTANCE**  
3 **PROGRAMS**

4 **SEC. 201. ADDITIONAL MITIGATION ASSISTANCE.**

5 (a) IN GENERAL.—Section 404 of the Robert T.  
6 Stafford Disaster Relief and Emergency Assistance Act  
7 (42 U.S.C. 5170c) is amended by adding at the end the  
8 following:

9 “(d) ADDITIONAL MITIGATION ASSISTANCE.—

10 “(1) IN GENERAL.—If, at the time of a declara-  
11 tion of a major disaster, the affected State has in  
12 effect and is actively enforcing throughout the State  
13 an approved State building code, the President may  
14 increase the maximum total of contributions under  
15 this section for the major disaster, as specified in  
16 subsection (a) and section 322(e), by an amount  
17 equal to 4 percent of the estimated aggregate  
18 amount of grants to be made (less any associated  
19 administrative costs) under this Act with respect to  
20 the major disaster.

21 “(2) SUBMISSION.—To be eligible for an in-  
22 creased Federal share under paragraph (1), a State  
23 shall submit its State building code to the President  
24 for approval.

1           “(3) APPROVAL.—The President shall approve  
2           a State building code submitted under paragraph (2)  
3           if the President determines that the building code—

4                   “(A) is consistent with the most recent  
5                   version of a nationally recognized model build-  
6                   ing code;

7                   “(B) has been adopted by the State within  
8                   6 years of the most recent version of the na-  
9                   tionally recognized model building code; and

10                  “(C) uses the nationally recognized model  
11                  building code as a minimum standard.

12           “(4) PERIODIC UPDATES.—The President shall  
13           set appropriate standards, by regulation, for the  
14           periodic update, resubmission, and reapproval of a  
15           State building code approved by the President in ac-  
16           cordance with paragraph (3) that are consistent with  
17           similar requirements related to mitigation planning  
18           under section 322.

19           “(5) DEFINITIONS.—In this subsection, the fol-  
20           lowing definitions apply:

21                   “(A) ACTIVELY ENFORCING.—The term  
22                   ‘actively enforcing’ means effective jurisdic-  
23                   tional execution of all phases of a State building  
24                   code in the process of examination and approval  
25                   of construction plans, specifications, and tech-

1 nical data and the inspection of new construc-  
2 tion or renovation.

3 “(B) NATIONALLY RECOGNIZED MODEL  
4 BUILDING CODE.—The term ‘nationally recog-  
5 nized model building code’ means a building  
6 code for residential and commercial construc-  
7 tion and construction materials that—

8 “(i) has been developed and published  
9 by a code organization in an open con-  
10 sensus type forum with input from na-  
11 tional experts; and

12 “(ii) is based on national structural  
13 design standards that establish minimum  
14 acceptable criteria for the design, construc-  
15 tion, and maintenance of residential and  
16 commercial buildings for the purpose of  
17 protecting the health, safety, and general  
18 welfare of the building’s users against nat-  
19 ural disasters.

20 “(C) STATE BUILDING CODE.—The term  
21 ‘State building code’ means requirements and  
22 associated standards for residential and com-  
23 mercial construction and construction materials  
24 that are implemented on a statewide basis by  
25 ordinance, resolution, law, housing or building

code, or zoning ordinance. At a minimum, such requirements and associated standards shall apply—

“(i) to construction-related activities of residential building contractors applicable to single-family and 2-family residential structures; and

“(ii) to construction-related activities of engineers, architects, designers, and commercial building contractors applicable to the structural safety, design, and construction of commercial, industrial, and multifamily structures.

“(6) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the President, acting through the Administrator of the Federal Emergency Management Agency, shall issue such regulations as may be necessary to carry out this subsection.”.

(b) CRITERIA FOR ASSISTANCE AWARDS.—Section 203(g) of such Act (42 U.S.C. 5133(g)) is amended—

(1) by striking “and” at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (11); and

1           (3) by inserting after paragraph (9) the fol-  
2       lowing:

3           “(10) the extent to which the State or local  
4       government is carrying out activities to implement a  
5       State building code approved under section 404(d);  
6       and”.

7       **SEC. 202. TEMPORARY MORTGAGE AND RENTAL PAY-**  
8               **MENTS.**

9       Section 408(c) of the Robert T. Stafford Disaster Re-  
10      lief and Emergency Assistance Act (42 U.S.C. 5174(c))  
11      is amended by adding at the end the following:

12           “(5) TEMPORARY MORTGAGE AND RENTAL PAY-  
13      MENTS.—The President may provide assistance on a  
14      temporary basis in the form of mortgage or rental  
15      payments to or on behalf of individuals and families  
16      who, as a result of financial hardship caused by a  
17      major disaster, are at imminent risk of dispossession  
18      or eviction from a residence by reason of foreclosure  
19      of any mortgage or lien, cancellation of any contract  
20      for sale, or termination of any lease, entered into  
21      prior to such disaster. Such assistance shall be pro-  
22      vided for the duration of the period of financial  
23      hardship, but not to exceed 18 months of assistance  
24      or the maximum amount of assistance that is au-  
25      thorized to be provided pursuant to subsection (h).”.

1 **SEC. 203. CLARIFICATION OF GRANT AUTHORITY.**

2 (a) SECTION 418.—Section 418 of the Robert T.  
3 Stafford Disaster Relief and Emergency Assistance Act  
4 (42 U.S.C. 5185) is amended—

5 (1) by inserting “(a) IN GENERAL.—” before  
6 “The President”;

7 (2) by inserting “to provide assistance, includ-  
8 ing grants, equipment, supplies, and personnel, in  
9 order” before “to establish”; and

10 (3) by adding at the end the following:

11 “(b) FEDERAL SHARE.—The Federal share of assist-  
12 ance under this section shall be not less than 75 percent  
13 of the eligible cost of such assistance.”.

14 (b) SECTION 419.—Section 419 of the Robert T.  
15 Stafford Disaster Relief and Emergency Assistance Act  
16 (42 U.S.C. 5186) is amended—

17 (1) by inserting “(a) IN GENERAL.—” before  
18 “The President”;

19 (2) by inserting “to provide assistance, includ-  
20 ing grants, equipment, supplies, and personnel, in  
21 order” before “to provide” the first place it appears;  
22 and

23 (3) by adding at the end the following:

24 “(b) FEDERAL SHARE.—The Federal share of assist-  
25 ance under this section shall be not less than 75 percent  
26 of the eligible cost of such assistance.”.

1 (c) SECTION 309.—Section 309(b) of the Robert T.  
 2 Stafford Disaster Relief and Emergency Assistance Act is  
 3 amended by adding “, including grant agreements,” after  
 4 “agreements”.

5 **SEC. 204. HOUSEHOLD PETS AND SERVICE ANIMALS.**

6 (a) EMERGENCY ASSISTANCE.—Section 502(a) of  
 7 Robert T. Stafford Disaster Relief and Emergency Assist-  
 8 ance Act (42 U.S.C. 5192(a)) is amended—

9 (1) by striking “and” at the end of paragraph  
 10 (7);

11 (2) by striking the period at the end of para-  
 12 graph (8) and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(9) provide assistance for rescue, care, shelter,  
 15 and essential needs—

16 “(A) to individuals with household pets  
 17 and service animals; and

18 “(B) to such pets and animals.”.

19 (b) TECHNICAL CORRECTIONS.—Section 403(a)(3) of  
 20 such Act (42 U.S.C. 5170b(a)(3)) is amended—

21 (1) in subparagraph (B) by striking “medical  
 22 equipment,” and inserting “medical equipment,”;  
 23 and

24 (2) by striking the second subparagraph (J), as  
 25 added by section 4 of Public Law 109–308.

1 **SEC. 205. STORAGE, SALE, TRANSFER, AND DISPOSAL OF**  
2 **HOUSING UNITS.**

3 (a) DEFINITIONS.—In this section, the following defi-  
4 nitions apply:

5 (1) ADMINISTRATOR.—The term “Adminis-  
6 trator” means the Administrator of FEMA.

7 (2) EMERGENCY; MAJOR DISASTER.—The terms  
8 “emergency” and “major disaster” have the mean-  
9 ings given such terms in section 102 of the Stafford  
10 Act (42 U.S.C. 5122).

11 (3) FEMA.—The term “FEMA” means the  
12 Federal Emergency Management Agency.

13 (4) HAZARD.—The term “hazard” has the  
14 meaning given such term in section 602 of the Staf-  
15 ford Act (42 U.S.C. 5195a).

16 (5) SUITABLE CONDITION.—The term “suitable  
17 condition” means, with respect to a temporary hous-  
18 ing unit, a unit that satisfies, as determined by the  
19 Administrator, the criteria of disposal condition code  
20 1, 4, or 7 under section 102–36.240 of title 41,  
21 Code of Federal Regulations, as in effect on the date  
22 of enactment of this Act.

23 (6) STAFFORD ACT.—The term “Stafford Act”  
24 means the Robert T. Stafford Disaster Relief and  
25 Emergency Assistance Act (42 U.S.C. 5121 et seq.).



1 (b) NEEDS ASSESSMENT; ESTABLISHMENT OF CRI-  
2 TERIA.—Not later than 3 months after the date of enact-  
3 ment of this Act, the Administrator shall—

4 (1) complete an assessment to determine the  
5 number of temporary housing units that FEMA  
6 needs to maintain in stock to respond appropriately  
7 to emergencies or major disasters occurring after the  
8 date of enactment of this Act; and

9 (2) establish criteria for determining whether  
10 the individual temporary housing units stored by  
11 FEMA are in suitable condition.

12 (c) PLAN.—

13 (1) IN GENERAL.—Not later than 6 months  
14 after the date of enactment of this Act, the Adminis-  
15 trator shall establish a plan for—

16 (A) storing the number of temporary hous-  
17 ing units that the Administrator has deter-  
18 mined under subsection (b)(1) that FEMA  
19 needs to maintain in stock;

20 (B) selling, transferring, donating, or oth-  
21 erwise disposing of the temporary housing units  
22 in the inventory of FEMA, as of the date of en-  
23 actment of this Act, that—

24 (i) are in excess of the number of  
25 temporary housing units that the Adminis-

1           trator has determined under subsection  
2           (b)(1) that FEMA needs to maintain in  
3           stock; and

4           (ii) are in suitable condition, based on  
5           the criteria established under subsection  
6           (b)(2); and

7           (C) disposing of the temporary housing  
8           units in the inventory of FEMA that the Ad-  
9           ministrator determines are not in suitable con-  
10          dition, based on the criteria established under  
11          subsection (b)(2).

12          (2) IMPLEMENTATION.—Not later than 9  
13          months after the date of enactment of this Act, the  
14          Administrator shall implement the plan established  
15          under paragraph (1).

16          (d) APPLICABILITY OF DISPOSAL REQUIREMENTS.—

17           (1) IN GENERAL.—Any sale, transfer, donation,  
18           or disposal of a temporary housing unit under the  
19           plan established under subsection (c)(1) shall be  
20           subject to the requirements of section 408(d)(2) of  
21           the Stafford Act (42 U.S.C. 5174(d)(2)) and other  
22           applicable provisions of law.

23           (2) EXCEPTION.—Notwithstanding paragraph  
24           (1), the Administrator may sell, transfer, donate, or  
25           otherwise make available temporary housing units in

1 suitable condition in the inventory of FEMA, as of  
2 the date of enactment of this Act, to States, other  
3 governmental entities, and voluntary organizations  
4 for the purpose of providing temporary housing to  
5 victims of incidents caused by hazards that do not  
6 result in a declaration of a major disaster or emer-  
7 gency by the President, if—

8 (A) the Governor of the affected State cer-  
9 tifies that—

10 (i) there is an urgent need for the  
11 temporary housing units; and

12 (ii) the State is unable to provide the  
13 temporary housing units in a timely man-  
14 ner; and

15 (B) the State, other governmental entity,  
16 or voluntary organization agrees—

17 (i) to comply with the nondiscrimina-  
18 tion provisions of section 308 of the Staf-  
19 ford Act (42 U.S.C. 5151); and

20 (ii) to obtain and maintain hazard  
21 and flood insurance on the housing units.

22 (3) LIMITATION ON STATUTORY CONSTRUC-  
23 TION.—Nothing in this section shall be construed to  
24 affect section 689k of the Post-Katrina Emergency  
25 Management Reform Act of 2006 (120 Stat. 1456).

1 For purposes of that section, a disposal of a tem-  
2 porary housing unit under subsection (d)(2) shall be  
3 treated as a disposal to house individuals or house-  
4 holds under section 408 of the Stafford Act (42  
5 U.S.C. 5174).

6 (e) REPORT.—Not later than one year after the date  
7 of enactment of this Act, the Administrator shall submit  
8 to the Committee on Transportation and Infrastructure  
9 of the House of Representatives and the Committee on  
10 Homeland Security and Governmental Affairs of the Sen-  
11 ate a report on the status of the distribution, sale, trans-  
12 fer, donation, or other disposal of the unused temporary  
13 housing units purchased by FEMA.

## 14 **TITLE III—OTHER MATTERS**

### 15 **SEC. 301. COMMUNITY PREPAREDNESS.**

16 Subtitle A of title VI of the Robert T. Stafford Dis-  
17 aster Relief and Emergency Assistance Act (42 U.S.C.  
18 5196 et seq.) is amended by adding at the end the fol-  
19 lowing:

#### 20 **“SEC. 617. COMMUNITY PREPAREDNESS.**

21 “(a) CITIZEN CORPS.—The Administrator shall con-  
22 tinue to administer the citizen preparedness program  
23 known as the ‘Citizen Corps’.

24 “(b) ACTIVITIES.—In carrying out the program, the  
25 Administrator may—

1           “(1) collaborate with community leaders to co-  
2           ordinate and leverage efforts to strengthen commu-  
3           nity involvement in preparedness, planning, mitiga-  
4           tion, response, and recovery for hazards;

5           “(2) educate and train citizens in emergency  
6           preparedness and mitigation; and

7           “(3) train citizens in basic response skills, in-  
8           cluding fire safety, light search and rescue, and  
9           medical operations in preparation for hazards.

10          “(c) COMMUNITY EMERGENCY RESPONSE TEAM  
11 PROGRAM.—In carrying out the program, the Adminis-  
12 trator shall continue to administer the Community Emer-  
13 gency Response Team Program.

14          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
15 is authorized to be appropriated to carry out this section—

16           “(1) \$30,000,000 for fiscal year 2010;

17           “(2) \$35,000,000 for fiscal year 2011; and

18           “(3) \$40,000,000 for fiscal year 2012.

19          “(e) ALLOCATION OF FUNDS.—Of the amounts ap-  
20 propriated to carry out this section for a fiscal year, not  
21 to exceed \$2,000,000 may be used to carry out the Com-  
22 munity Emergency Response Team Program.”.

1 **SEC. 302. EMERGENCY MANAGEMENT ASSISTANCE COM-**  
2 **PACT GRANTS.**

3 (a) IN GENERAL.—Subtitle A of title VI of the Rob-  
4 ert T. Stafford Disaster Relief and Emergency Assistance  
5 Act (42 U.S.C. 5196 et seq.) is further amended by adding  
6 at the end the following:

7 **“SEC. 618. EMERGENCY MANAGEMENT ASSISTANCE COM-**  
8 **PACT GRANTS.**

9 “(a) IN GENERAL.—The Administrator may make  
10 grants to provide for implementation of the Emergency  
11 Management Assistance Compact consented to by Con-  
12 gress in the joint resolution entitled ‘Joint resolution  
13 granting the consent of Congress to the Emergency Man-  
14 agement Assistance Compact’ (Public Law 104–321; 110  
15 Stat. 3877).

16 “(b) ELIGIBLE GRANT RECIPIENTS.—States and the  
17 Administrator of the Emergency Management Assistance  
18 Compact shall be eligible to receive grants under sub-  
19 section (a).

20 “(c) USE OF FUNDS.—A grant received under this  
21 section shall be used—

22 “(1) to carry out recommendations identified in  
23 the Emergency Management Assistance Compact  
24 after-action reports for the 2004 and 2005 hurricane  
25 seasons;

1           “(2) to administer compact operations on behalf  
2           of States, as such term is defined in the compact,  
3           that have enacted the compact;

4           “(3) to continue coordination with the Agency  
5           and appropriate Federal agencies;

6           “(4) to continue coordination with States and  
7           local governments and their respective national orga-  
8           nizations; and

9           “(5) to assist State and local governments,  
10          emergency response providers, and organizations  
11          representing such providers with credentialing the  
12          providers and the typing of emergency response re-  
13          sources.

14          “(d) COORDINATION.—The Administrator shall con-  
15          sult with the Administrator of the Emergency Manage-  
16          ment Assistance Compact to ensure effective coordination  
17          of efforts in responding to requests for assistance.

18          “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
19          is authorized to be appropriated to carry out this section  
20          \$4,000,000 for each of fiscal years 2010, 2011, and 2012.  
21          Such sums shall remain available until expended.”.

22          (b) REPEAL.—Section 661 of the Post-Katrina  
23          Emergency Management Reform Act of 2006 (6 U.S.C.  
24          761) is repealed.

1 **SEC. 303. AUTHORITY TO ACCEPT AND USE GIFTS.**

2       The first sentence of section 701(b) of the Robert T.  
3 Stafford Disaster Relief and Emergency Assistance Act  
4 (42 U.S.C. 5201(b)) is amended by inserting “, through  
5 any means including grants,” before “bequests”.

6 **SEC. 304. INDIVIDUAL ASSISTANCE FACTORS.**

7       In order to provide more objective criteria for evalu-  
8 ating the need for assistance to individuals and to speed  
9 a declaration of a major disaster or emergency under the  
10 Robert T. Stafford Disaster Relief and Emergency Assist-  
11 ance Act (42 U.S.C. 5121 et seq.), not later than one year  
12 after the date of enactment of this Act, the Administrator  
13 of the Federal Emergency Management Agency, in co-  
14 operation with representatives of State and local emer-  
15 gency management agencies, shall review, update, and re-  
16 vise through rulemaking the factors considered under sec-  
17 tion 206.48 of title 44, Code of Federal Regulations, to  
18 measure the severity, magnitude, and impact of a disaster.

19 **SEC. 305. TECHNICAL CORRECTIONS TO REFERENCES.**

20       The Robert T. Stafford Disaster Relief and Emer-  
21 gency Assistance Act (42 U.S.C. 5121 et seq.) is amend-  
22 ed—

23               (1) in section 602(a) by striking paragraph (7)  
24       and inserting the following:



1           “(7) ADMINISTRATOR.—The term ‘Adminis-  
2           trator’ means the Administrator of the Federal  
3           Emergency Management Agency.’”; and

4           (2) by striking “Director” each place it appears  
5           and inserting “Administrator”, except—

6                     (A) the second and fourth places it appears  
7                     in section 622(c); and

8                     (B) in section 626(b).

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